



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,110	12/29/2003	Chad Lester	Google-33/APP (GP-086-00-	3154
82402	7590	11/24/2009	EXAMINER	
NOONAN, WILLOW W				
Straub & Pokotylo 788 Shrewsbury Avenue Tinton Falls, NJ 07724			ART UNIT	
			PAPER NUMBER	
			2446	
			MAIL DATE	
			DELIVERY MODE	
			11/24/2009	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,110

Applicant(s)

LESTER ET AL.

Examiner

Willow Noonan

Art Unit

2446

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 19-29 and 38-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 19-29 and 38-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The instant application having Application No. 10/749,110 has a total of 26 claims pending in the application; there are 2 independent claims and 24 dependent claims, all of which are ready for examination by the examiner. There are 16 cancelled claims.

Response to Arguments

2. Applicant argues that one skilled in the art would not have known to combine the teachings of the Granik and Tomita references. However, the combination is not nonobvious simply because Tomita is directed to a different problem. Tomita teaches a method for encoding binary data into an ASCII string. It would have been obvious to one of ordinary skill to use this method in other contexts where binary data must be transferred but only ASCII characters are allowed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 20-23, and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Granik** (U.S. Patent App. Pub. No. 2002/0010757) in view of **Morrisroe** (U.S. Patent App. Pub. No. 2004/0117259).

Regarding claims 1 and 20, Granik teach a method comprising encoding one or more ad properties of an ad and including them in a click URL; serving the ad together with the click URL; and, in response to a user selection of the ad, decoding the one or more encoded ad properties at an intermediate URL server and forwarding a content rendering facility of the user to an ad landing page. See Granik at p. 5, paragraph 43 ("That is, when a web user clicks on an ad ... a link will take the user to the re-direct server. Particularly, in response to a user click on [an] ad, a web-based communication is generated that includes a re-direct ad URL including: 1) an encrypted identifier that identifies the user on the re-direct server; and 2) an ultimate destination website code. The re-direct server particularly parses the re-direct URL query string for the identifier and the ultimate destination website code and, by means of a database lookup, maps and transforms the code into a real URL to link the user to the destination website.").

Granik does not teach that the one or more encoded ad properties include information indicating how the ad was selected as a candidate for serving. However, Morrisroe teaches that it is well known to encode such information in a URL. See Morrisroe at p. 3, paragraph 34 ("As is known in the art, the redirection URL is used to provide tracking information to the tracking server 104. When the ad is served, the integrated ad file 204 appends the appropriate tracking data to the redirection URL. In the present embodiment, *such tracking data includes the relevant invoice order for the*

ad campaign, the line number for the ad campaign, the placement of the ad on the web page, the content identifier (ID) for the ad, which identifies the ad in the content management system of the portal 100, and the ad ID, which is a unique identifier for the ad.”) (emphasis added). Morrisroe’s invoice order for the ad campaign indicates that an ad was selected as a candidate for serving because a particular advertiser registered it with the advertising provider as part of an ad campaign. It would have been obvious to one of ordinary skill to use Morrisroe’s tracking technique with the teachings of Granik because Morrisroe teaches that the disclosed technique provides a more efficient mechanism for creating, serving, and tracking ads. See *id.* at p. 1, paragraph 10.

Regarding claims 2 and 21, Granik teaches that the one or more ad properties include ad serving parameters. See Granik at p. 5, paragraph 43 (“an encrypted identifier ... [and] ultimate destination website code”).

Regarding claims 3 and 22, Granik teaches that the one or more ad properties include information indicating how the ad was served, and wherein the information indicating how the ad was served includes a rendering attribute of the ad. See Granik at p. 5, paragraph 43 (“re-direct ad URL including ... an encrypted identifier ... [and an] ultimate destination website code”).

5. Claims 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Granik** in view of **Morrisroe** and further in view of **Skinner** (U.S. Patent App. Pub. No. 2003/0105677).

Regarding claims 39-42, Granik does not teach encoding a price the advertiser will be charged for a click or search conditions that generated the page. However, Skinner teaches that is well known to track both advertiser charges and search terms that generated the page. See Skinner at p. 3, paragraph 40 ("If the user 32 then proceeds to click on the advertiser's listing, the time and date of the click as well as the cost of the click to the advertiser will also be recorded in the OMM database 36. . . . The tracking URL has embedded within it a keycode to help identify the OMM website 34 which was used to direct the user 32 to the advertiser's web site 42, as well as the search term which was used at the OMM website 34.").

It would have been obvious to one of ordinary skill to use Skinner's technique in Granik's system because Skinner teaches that the disclosed technique is useful for tracking advertisement effectiveness and determining advertiser charger. See Skinner at paragraph 12.

6. Claims 4-9 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable for the reasons set forth above, further in view of **RFC 2396** (on URI syntax).

Regarding claims 4-7 and 23-26, RFC2396 teaches that it is well known to use alphabets limited to specific characters for encoding information. See *generally* RFC 2396. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the URI specifications of RFC 2396 in Granik's system because Granik teaches the use of URLs (which are a type of URIs).

Regarding claims 8 and 27, RFC 2396 teaches that the encoded one or more ad properties are represented with a set of K characters, wherein the set of K characters

excludes one or more characters selected from a set of characters consisting of "control", "space", "<", ">", and "%". See RFC 2396 at p. 10, *Excluded US-ASCII Characters*.

Regarding claims 9 and 28, RFC 2396 teaches that the encoded one or more ad properties are represented with a set of K characters, wherein the set of K characters excludes one or more characters selected from a set of characters consisting of "{", "}", "I", "\", "A", "[", and "]". See RFC 2396 at p. 11, *Excluded US-ASCII Characters*.

7. Claims 10, 19, 29, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Granik** in view of **Morrisroe** and further in view of **Tomita** (U.S. Patent App. Pub. No. 2003/0035139).

Regarding claims 10 and 29, Granik teach a method comprising encoding one or more ad properties of an ad and including them in a click URL; serving the ad together with the click URL; and, in response to a user selection of the ad, decoding the one or more encoded ad properties at an intermediate URL server and forwarding a content rendering facility of the user to an ad landing page. See Granik at p. 5, paragraph 43 ("That is, when a web user clicks on an ad ... a link will take the user to the re-direct server. Particularly, in response to a user click on [an] ad, a web-based communication is generated that includes a re-direct ad URL including: 1) an encrypted identifier that identifies the user on the re-direct server; and 2) an ultimate destination website code. The re-direct server particularly parses the re-direct URL query string for the identifier

and the ultimate destination website code and, by means of a database lookup, maps and transforms the code into a real URL to link the user to the destination website.”).

Granik does not teach that the one or more encoded ad properties include information indicating how the ad was selected as a candidate for serving. However, Morrisroe teaches that it is well known to encode such information in a URL. See Morrisroe at p. 3, paragraph 34 (“As is known in the art, the redirection URL is used to provide tracking information to the tracking server 104. When the ad is served, the integrated ad file 204 appends the appropriate tracking data to the redirection URL. In the present embodiment, *such tracking data includes the relevant invoice order for the ad campaign*, the line number for the ad campaign, the placement of the ad on the web page, the content identifier (ID) for the ad, which identifies the ad in the content management system of the portal 100, and the ad ID, which is a unique identifier for the ad.”) (emphasis added). Morrisroe’s invoice order for the ad campaign indicates that an ad was selected as a candidate for serving because a particular advertiser registered it with the advertising provider as part of an ad campaign. It would have been obvious to one of ordinary skill to use Morrisroe’s tracking technique with the teachings of Granik because Morrisroe teaches that the disclosed technique provides a more efficient mechanism for creating, serving, and tracking ads. See *id.* at p. 1, paragraph 10.

Granik does not teach representing each of one or more ad properties of an ad with a binary value; concatenating each of the one or more binary values to define a sequence of bits; or encoding the sequence of bits into a sequence of characters, wherein each of the characters is selected from a set of K legal characters. However,

Tomita teaches that it is well known to encode binary data and parameters as a string of valid characters. See Tomita at p. 10, paragraph 213 ("the data of the firmware has been converted to US-ASCII code according to Base 64 conversion in order to be attached to the e-mail. Therefore, the CPU converts the character string back to binary data according to reverse Base64 conversion"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Tomita's technique for encoding data in Granik's system because Tomita teaches that encoding binary data as a character string is a well known method that allows ASCII compatible standards to transport binary data. See Tomita at p. 10, paragraph 213 (describing how this method allows the email to carry binary data).

Regarding claims 19 and 38, Examiner notes that the described steps constitute a ubiquitous and well-known algorithm for base conversion necessarily included in the limitations of claim 10.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willow Noonan whose telephone number is (571)270-1322. The examiner can normally be reached on Monday through Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/749,110
Art Unit: 2446

Page 10

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2446